

REMARKS

Claim 7 has been rejected under 35 U.S.C. 112 as being indefinite "because a spray spattering step cannot comprise or be a printing step...." As used in the specification, the term "spatter" was intended to describe not only one application method but, also, the result of all application methods. That is, in accordance with the present invention a non-continuous layer of colorant is produced on a surface in a spatter-like dispersion. Claim 2 has been amended above to specify a spatter-like dispersions with claim 7 depending on claim 2. Additionally, claim 7 has been amended to eliminate the reference to a spattering step in that the spattering step of claim 2 now recites "producing." As amended, it is believed that claim 7 is definite.

Claims 1-5, 7-9, 11-15 have been rejected under 35 U.S.C. 103 as being unpatentable over Priggemeyer et al. in view of Toshihiro. Claim 6 and 10 have also been rejected under 35 U.S.C. 103 as being unpatentable over Priggemeyer and Toshihiro and further in view of Hoffman.

Claim 1, the sole independent claim, recites selecting a colorant having the desired initial patina color tone. In contrast, the Priggemeyer and Toshihiro teachings employ the use of a reactive substance which, by reaction, produces a patina. The Priggemeyer and Toshihiro substances are neither colorants nor do they have the desired initial patina color tone. For this reason alone, it is submitted that claim 1 defines over the applied references. Additionally, claim 7 has been amended to specify that

the colorant is non-reactive which is clearly distinct from the Priggemeyer and Toshihiro teachings.

The essence of the present invention is the provision of a noncontinuous layer of colorant on a copper surface which creates an immediate appearance of patination of the desired tone with the remaining portion of the substrate being exposed for natural patination over time. Neither Priggemeyer or Toshihiro employ a colorant in the sense of Applicant's claims nor do they employ that colorant to provide the appearance of patination. Instead, they employ a chemical reaction which results in a patination. It is essentially this process which the invention of the present application is intended to avoid along with the dangers and additional costs attending the use of chemically reactive materials. Further, Priggemeyer employs a uniformly coated surface (see e.g., the example).

The Examiner contends that Toshihiro employs a sprayed nonuniform "spatter pattern." However, what is sprayed is an acidic aqueous solution which is sprayed onto a previously treated surface with that treatment including immersion in aqueous acids containing selenium to provide a blackening of the front face of the copper plate. It is submitted that the Toshihiro reference does not employ a colorant in the sense of Applicant's claims. To the extent that the Examiner construes the Toshihiro reference as employing a colorant, immersion is a part of the coloring process and the uniform blackened coating is a part of the colorant. As such, it is submitted that Toshihiro does not suggest the process of applicant's claim 1.

With regard to the Hoffman reference, Hoffman describes two methodologies to obtaining his desired hammered effect. The first employs spray guns to supply a "scanty coat" that does not entirely cover the surface followed by a second coat "taking care to completely cover the surface." The same effect is stated as being produced by a single coat applied sufficiently heavy "to cover the entire surface." Clearly, Hoffman, while using a "spattering" in the application of his paint does not produce a noncontinuous layer of colorant on the surface. That is, Hoffman teaches to fully cover the substrate.

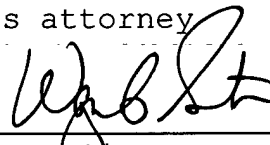
In light of the above, it is submitted that Applicant's invention is distinct from the applied references and that those distinctions are clearly set forth in Applicant's claims. A reconsideration of the rejection and the issuance of a Notice of Allowance is respectfully requested.

Please charge any deficiencies or credit any over payment to Deposit Account 14-0620.

Respectfully submitted,

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By his attorney



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